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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,588	09/25/2003	Viktor Soita	VOI0200.CON	7482
7590 09/12/2008				
Todd T. Taylor Taylor & Aust, P.C. 142 S. Main St. P.O. Box 560 Avilla, IN 46710				
EXAMINER				
ADDISON, KAREN B				
ART UNIT		PAPER NUMBER		
2834				
MAIL DATE		DELIVERY MODE		
09/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/670,588

**Applicant(s)**

SOITU, VIKTOR

**Examiner**

KAREN B. ADDISON

**Art Unit**

2834

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-20 and 23 rejected under 35 U.S.C. 103(a) as being obvious over Ivanto(4771197) in view of Zysset(6191511).

The applied reference has a common Inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Ivanto discloses a electric machine in fig.1l comprising: a stator (3), a non- rotary shaft (4) caring the stator (3), a plurality of bearings (5) connected to the rotary shaft, a rotor (2) rotatably position around the stator and carried by the bearing and a micro-actuator (1) having a functional part with the short circuit arrangement associated with the rotor for operating the actuator. Ivanto also disclose short circuit arrangement as the rotor, the actuator as the conveyor drive roll (1) and a frequency transformer driving and active speed control (fig2). Ivanto do not disclose the rotor (hollow short circuiting arrangement) having a plurality of short circuiting bars and rings being integral with the rotor and the stator including windings one of the three pole stator winding, four pole winding and a six pole stator winding.

Zysset disclose a electric machine in fig.1 comprising: stator(1), rotor(2) position around the stator , a short circuit arrangement(8,24,27,24,) including short circuit conductors connected to the rotor being in fluid communication with the external air flow source by way of the hollow portion of the hollow non-rotory shaft(3) for the purpose of cooling the stator and rotor. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electric machine of Ivanto with the shaft and short circuit arrangement of Zysset for the purpose of assuring efficient cooling and temperature balance between the stator and rotor. .

Claims 21 –22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivanto in view of Soitu as applied to claim 17-20 above, and further in view of Leibovich(4761602). Ivanto discloses a electric machine as seen above and Zysset discloses a rotor integrally formed having a short circuiting conductors and a hollow

shaft. However, neither Ivanto nor Zyesset discloses a rotor having short circuiting bars and rings made of copper.

Leibovich disclose in fig. 1-14 a rotor (20), a hollow short circuiting arrangement) having a plurality of solid short-circuiting bars (21a and 21b which are welded to the rotor) and rings (22,23) made of copper being integral with the rotor and a stator (30) including windings (36 and 38). Wherein, the windings includes one of a of a three pole stator winding, four pole windings and a six pole stator winding (col.6 line 40) for the purpose of transferring electromagnetic energy to the rotor winding. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electric machine of Ivanto and Zysset with the stator structure of Leibovich for the purpose of providing variable speed with adjustable torque through phase shift control. It also would have been obvious to one having ordinary skill in the art at the invention was made select winding that will facilitate a power output approximately 0.5 kilowatts to 500.0 kilowatt and the rotational speed at 0 rpm to 20,000 rpm since it has been held that were the general conditions of a claim are disclosed in the prior art, discovering optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ33.

Referring to claims 1 and 21, no patentable weight has been given to the method of manufacturing limitations (i. e. welded and casting) since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or

obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 17-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN B. ADDISON whose telephone number is (571)272-2017. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas M. Dougherty/  
Primary Examiner, Art Unit 2834

KBA  
9/8/08